

Remarks

The Official Action dated February 27, 2006 has been carefully considered. Consideration of the changes and remarks presented herein and reconsideration of the rejections are respectfully requested. Applicants wish to thank the Examiner for the indication of allowance of claims 9-12, 20 and 22-25.

Claims 1-29 have been examined in the present application. Claims 34-63 and 69-79, which were indicated in the restriction requirement as being in Groups II-V, were canceled by previous amendment without prejudice or admission. Claims 30-33 and 64-68 which were in Group I of the restriction requirement but were subject to an election of species requirement if no generic claim is found allowable, were withdrawn from consideration but remain pending because these were included with Group I but were subject to an election requirement. It is therefore believed these claims are eligible for rejoinder of the elected claims. Claims 1, 9, 12, 13, 15, 17-20, 22 and 28 have been presently amended for clarification. Claims 9, 20 and 22 have been indicated as allowable and have been rewritten herein in independent form. Accordingly, it is requested that these claims be allowed. It is believed that the changes do not involve any introduction of new matter, and entry is believed to be in order and is respectfully requested.

Claims 1-7 and 15-19 were rejected under the argument they are anticipated by the Howell reference (U.S. Patent No. 2,004,203); claims 1-8, 13-19, 21 and 26-29 were rejected under the argument that they are anticipated by the Garrison et al reference (U.S. Patent No. 6,024,140); and claims 1-8, 13-19, 21 and 26-29 were rejected under the argument they are anticipated by the Butterfield et al reference (U.S. Patent No. 5,549,132).

Applicants respectfully traverse the rejections. In order to anticipate a claim, a reference must teach each and every element of the claim. MPEP § 2131. In particular, "Under 35 U.S.C. § 102, every limitation of a claim must identically appear in a single prior art reference for it to

anticipate the claim." Gechter v. Davidson, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997). The cited references do not disclose each and every element of the independent claims. For example, with respect to independent claim 1, from which claims 2-8 and 13-14 depend, none of the cited references discloses a spout assembly with a structural conduit having a first sidewall portion including a length at least partially defining a first portion of a substantially straight liquid flow path, wherein the first portion of the substantially straight liquid flow path extends through the transition location without the transition location changing the first portion of the substantially straight liquid flow path and a second sidewall portion including a length at least partially defining a second portion of the substantially straight liquid flow path, wherein the second portion of the substantially straight liquid flow path extends through the transition location wherein the transition location changes the second portion of the substantially straight liquid flow path. For example, the present application (see the exemplary embodiment of Fig. 6) illustrates embodiments where the first sidewall portion includes a length at least partially defining a first portion of a substantially straight liquid flow path, wherein the first portion of the substantially straight liquid flow path extends through the transition location without the transition location changing the first portion of the substantially straight liquid flow path and a second sidewall portion including a length at least partially defining a second portion of the substantially straight liquid flow path, wherein the second portion of the substantially straight liquid flow path extends through the transition location wherein the transition location changes the second portion of the substantially straight liquid flow path. Such an arrangement is not disclosed in the cited references. These references appear to show tapered portions that appear to modify all paths from one section to the next. No part of these tapered portions appears to maintain a substantially straight flow path from the previous nozzle section upstream from the tapered portion. For example, in Howell, the nozzle has a tapered portion near reference 27, where the fluid path would be redirected on both sides due to the tapered portion which the

Examiner references as the transition. This is also true for the Garrison et al and Butterfield et al references which teach similar tapered portions. Thus, the cited references fail to teach the present spout assemblies as set forth in independent claim 1, and those claims depending from it.

With respect to independent claim 15, from which claims 16-19, 21 and 26-27 depend, Applicants found no teaching in the cited references of a spout assembly with a structural conduit having a first sidewall portion with a transition location providing for an asymmetric change in cross-sectional dimensions between the first sidewall portion and the second sidewall portion, wherein the internal sidewall is adapted to substantially prevent pooling of liquid being dispensed from the nozzle. Applicants did not find any of the references to teach or anticipate a spout assembly having a structural conduit with a first sidewall portion with a transition location providing for an asymmetric change in cross-sectional dimensions between the first sidewall portion and the second sidewall portion, wherein the internal sidewall is adapted to substantially prevent pooling of liquid being dispensed from the nozzle. These references appear to show tapered portions that appear to modify all paths from one section to the next. No part of these tapered portions appears to provide a transition location providing for an asymmetric change in cross-sectional dimensions between the first sidewall portion and the second sidewall portion which could thus prevent pooling of liquid being dispensed from the nozzle. In fact, none of the cited references appears to discuss having such a spout assembly which is configured to have an internal sidewall adapted to substantially prevent pooling of liquid dispensed from the nozzle. Thus, the cited references fail to teach the present spout assemblies as set forth in independent claim 15, and those claims depending from it.

With respect to the third independent claim, claim 28, from which claim 29 depends, Applicants did not find the cited references to disclose, for example, a transition portion with a internal liquid flow path that is "asymmetrically tapered" and having a lower inside surface that is "flattened relative to an opposed upper inside surface of the transition portion so that, when the

spout is in a dispensing orientation, the lowest point in any cross-sectional portion of the flow path through the transition portion is not at a substantially higher elevation than a line connecting the lowest points of the flow path at the respective upstream portions of the first end and the transition portion." The Office Action does not appear to discuss how the cited references teach this asymmetrically tapered configuration or that the lower inside surface is flattened relative to an opposing upper inside surface of the transition portion. Moreover, the cited references appear to teach nozzle arrangements which include transition portions with have tapered portions which do not include one inside surface being flattened relative to the opposing side. For example, Garrison et al teach having a tapered portion which provides an angular arrangement on both opposing inside surfaces (see Fig. 8, ref. 176). Thus, the cited references fail to teach the present spout assemblies as set forth in independent claim 28, and those claims depending from it.

Accordingly, for at least the above reasons, it is respectfully submitted that the claims are distinct from the cited references. Therefore, it is respectfully requested that the rejections be reconsidered and withdrawn. It is believed that the above represents a complete response to the rejections and that the present application is in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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